UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,116	06/25/2001	Yukio Shikatani	33714	2341

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EXAMINER
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ART UNIT	PAPER NUMBER
2161	

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/869,116	SHIKATANI, YUKIO
	Examiner	Art Unit	
	Sana Al-Hashemi	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 June 2004</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Claim Status: 1-24 are rejected.

Applicant's arguments with respect to claims 1-24 have been considered but are moot in

view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-24 rejected under 35 U.S.C. 103(a) as being unpatentable over Stern (US

Patent No. 6,366,914) in view of Baxter et al. (US Patent No. 6,356,903).

Regarding Claim 1, Stern discloses a storage-based digital broadcast system wherein

contents transmitted from sending side are stored on a receiving side when reproduced (see

column 4, lines 17-38, Stern), characterized in that

the receiving side uses said received service structure information and reference

information to manage the storage of said contents (see column 4, lines 49-60, Stern);

Stern discloses all the claimed subject matter as stated above. However, Stern does not

explicitly discloses the step of sending side transmits service structure information describing the

relational structure between service provided by contents providers and reference information

associating the contents with the service described in said service structure information. On the

other hand, Baxter et al (Baxter hereinafter) teaches the step of defining the content structure as

showing in column 4, lines 25-50, Fig. 3, column 59-63, Baxter. It would have been obvious to

one of ordinary skill in the art at the time of the invention to modify the Stern system by adding

the content management as taught by Baxter with the motivation of allowing the system to

identify the content format which improve the process of storing and transmitting the

information to the users in more efficient way, which results in faster process and less cost for

the providing company.

Regarding Claim 2, Stern in view of Baxter discloses a storage-based broadcast system

characterized in that. the sending side transmits said service structure information and reference

information before transmission of said contents and that the receiving side receives side

receives and stores said service structure information and reference information and uses the

information for management of said storage of contents to be received later (see column 4, lines

61-67, column 5, lines 1-4, Stern).

Regarding Claim 3, Stern in view of Baxter discloses a storage-based broadcast

characterized in that the sending side transmits said information before transmission of said

contents and transmits said service structure information after transmission of said content and

that the receiving side combines said reference information that has been stored an said service

structure information that has been received later and uses the information for management of

the storage of said contents (see column 5, lines 5-21, Stern).

Regarding Claim 4, Stern in view of Baxter discloses a storage-based broadcast system characterized in that said contents contains non- stream format data contents (see column 5, lines 15-21, Stern[1]).

Regarding Claim 5, Stern in view of Baxter discloses a storage-based broadcast system characterized in that said content s contains stream format (see column 4, lines 40-48, Stern)

Regarding Claim 6, Stern in view of Baxter discloses a storage-based broadcast system characterized in that said service structure information is transmitted via SI (Service Information)(see column 7, lines 27-32, Stern).

Regarding Claim 7, Stern in view of Baxter discloses a storage-based broadcast system characterized in that said service structure information is transmitted as said SI by using the ERT (Event Relation Table) (see column 7, lines 33-41, Stern)

Regarding Claim 8, Stern in view of Baxter discloses a storage-based broadcast system characterized in that the type information and for the meaning of the service structure information and for selecting to operation on the receiving side is appended to said service structure information (see column 8, lines 3-11, Stern).

Regarding Claim 9, Stern in view of Baxter discloses a storage-based broadcast system characterized in that said reference information is transmitted via SI (see column 7, lines 3-12, Stern).

Regarding Claim 10, Stern in view of Baxter discloses a storage-based broadcast system characterized in that said reference information is

Transmitted as said SI by using a reference descriptor (see column 7, lines 13-20, Stern).

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[1] All video images are MPEG which is a non-format data.

Regarding Claim 11, Stern in view of Baxter discloses a storage-based broadcast system characterized in that said receiving said exclusively manages the storage areas of said contents per service (see column 5, lines 38-47, Stern).

Regarding Claim 12, Stern in view of Baxter discloses a storage-based broadcast system characterized in that said receiving side manages the validity term of stored contents per service (see column 8, lines 22-28, Stern).

Regarding Claim 13, Stern in view of Baxter discloses a storage-based broadcast system according characterized in that said receiving side manages the value of stored contents per service (see column 8, lines 29-36, Stern).

Regarding Claim 14, Stern in view of Baxter discloses a storage -based broadcast system characterized in that- said sending side specifies a particular service in said service structure information and that the receiving side performs processing tailored to the contents related to the specified service (see column 8, lines 43-47, Stern).

Regarding Claim 15, Stern in view of Baxter discloses a storage-based broadcast system characterized in that said receiving specifies a service in said service structure information and stores only the contents related to the specified service (see column 8, lines 37-42, Stern).

Regarding Claim 16, Stern in view of Baxter discloses a storage-based broadcast system characterized in that said sending side appends an automatic storage flag to contents in said reference information and that the receiving side stores or updates the contents with said automatic storage flag appended (see column 7, lines 42-46, Stern).

Regarding Claim 17, Stern in view of Baxter discloses a storage-based broadcast system characterized in that sending side appended an automatic storage flag to contents in said

reference information and specifies a particular service in said service structure information and that the receiving side automatically stores or updates the content related to the specified service (see column 7, lines 42-49, Stern).

Regarding Claim 18, Stern in view of Baxter discloses a storage-based broadcast system characterized in that said sending side appended an automatic storage flag to contents in said reference information and that said receiving side specifies a service in said service structure information and automatically stores or update the contents with said automatic storage flag appended among the contents related to the specified service (see column 7, lines 50-55, Stern).

Regarding Claim 19, Stern in view of Baxter discloses a storage-based broadcast system characterized in that said automatic storage flag is transmitted via SI (see column 7, lines 56-63, Stern).

Regarding Claim 20, Stern in view of Baxter discloses a storage-based broadcast system characterized in that an EIT (Event Information table) is used to transmit said automatic storage flag as said SI (see column 6, lines 46-67, Stern).

Regarding Claim 21, Stern in view of Baxter discloses a storage-based broadcast system characterized in that said sending side specifies the relationship between the same contents in said service structure information and that said receiving side a voids duplicated storage of the same contents based on said service structure information (see column 5, liens 22-31, Stern).

Regarding Claims 22, and 23, Stern in view of Baxter discloses a storage-based digital broadcast system wherein contents transmitted from a sending side are stored on a receiving side then reproduced, characterized in that said transmitter comprises

service structure information generating means for generating service structure

information representing a relational structure between service provided by contents providers

(see column 5, lines 59-63, Baxter);

reference information generating means for generating reference information for

associating the contents with the service described in said service structure information (see

column 4, lines 25-43, Baxter);

service information adding means said reference information to service information (see

column 5, lines 64-67, Baxter)and ;

multiplexing/transmission means for multiplexing service information containing said

reference information and said service structure information into contents and transmitting the

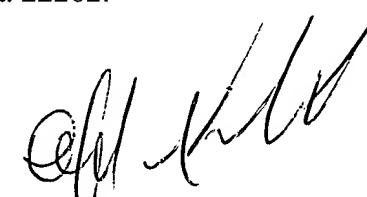resulting data (see column 5, lines 37-55, Baxter).

Regarding Claim 24, Stern in view of Baxter discloses a receiver characterized in that

said receiver comprises automatic storage management means for managing automatic storage of

content in said contents storage means based on the automatic storage flag appended to said

service information (see column 5, lines 64-67, Baxter).

Points of Contact

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to: Sana Al-Hashemi whose telephone number is (571) 272-4013.

The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM. If

attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet

Metjahic, can be reached on (571) 272-4023. Any response to this office action should be

mailed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231. Or telefax

at phone number (703) 872-9306. For formal or draft communications, please label

"PROSPOSED" or "DRAFT". Hand-delivered response should be brought to Crystal Park II,

2121 Crystal Drive, 6th Floor Receptionist, Arlington, Virginia. 22202.

Sana Al-Hashemi
Patent Examiner
Technology Center 2100
November 30, 2004

ALFORD KINDRED
PRIMARY EXAMINER